

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

KYLE F. WALDINGER (ILBN 6238304)
Assistant United States Attorney

E-FILED - 5/6/11

450 Golden Gate Avenue, 11th Floor
San Francisco, California 94102
Telephone: (415) 436-6830
Facsimile: (415) 436-7234
E-mail: kyle.waldinger@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 03-20110 RMW
)	
Plaintiff,)	STIPULATION AND <input type="checkbox"/>
)	ORDER RE-SCHEDULING
v.)	EVIDENTIARY HEARING
)	
THIN EDWARD SOU,)	
)	
Defendant.)	
)	

It is hereby stipulated by and between counsel for the United States, Assistant U.S. Attorney Kyle F. Waldinger, and counsel for defendant Thin Edward Sou, Eric Krebs, that, subject to the Court's approval, the evidentiary hearing presently set for May 17 and May 18, 2011, be vacated and re-scheduled to June 27, 2011, at 10:00 a.m., and June 28, 2011 at 9:00 a.m. In support of this request, the parties state as follows:

1. On March 2, 2011, this Court scheduled an evidentiary hearing for May 17 and May 18, 2011, with respect to certain issues raised in the defendant Thin Edward Sou's Section 2255 Motion. *See* Docket Nos. 437 & 438.

2. Since that time, the United States has produced further discovery to counsel for the defendant consisting of additional notes from the defendant's trial counsel's files. Defense

counsel has expressed a need for additional time to prepare for the evidentiary hearing based on the production of these notes, and the United States agrees that it is not unreasonable for the defense to request additional preparation time in these circumstances.

3. In addition, the parties recently began discussing the possibility of reaching a negotiated disposition of this matter. Re-scheduling the evidentiary hearing to June 27 and June 28, 2011, will give the parties an opportunity to engage in such discussions.

4. Accordingly, the parties jointly request and stipulate that the evidentiary hearing presently set for May 17 and May 18, 2011, be continued to June 27 and June 28, 2011.

SO STIPULATED.

DATED: May 5, 2011

MELINDA HAAG
United States Attorney

/s/
KYLE F. WALDINGER
Assistant United States Attorney

SO STIPULATED.

DATED: May 5, 2011

/s/
ERIC KREBS
Attorney for defendant Thin Edward Sou

[-----] **ORDER**

For the reasons stated above, IT IS HEREBY ORDERED, that the evidentiary hearing currently scheduled for May 17 and May 18, 2011, be re-scheduled to June 27, 2011, at 10:00 a.m., and June 28, 2011, at 9:00 a.m.

DATED: 5/6/11


RONALD M. WHYTE
United States District Judge